



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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You asked for the Committee's advice about taking up an appointment with Samson DVM Limited. (Samson).

The Committee's remit

It is the Committee's role to advise on any conditions that should apply to appointments or employment under the Government's Business Appointments Rules for Former Ministers (the Rules), which apply to former Ministers for two years after they leave office.

The Rules seek to counter suspicion that:

- a) the decisions and statements of a serving Minister might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b) an employer could make improper use of official information to which a former Minister has had access; or
- c) there may be cause for concern about the appointment in some other particular respect.

When the Committee considers applications it must have in mind that Government has judged that it is in the public interest that former Ministers with experience in Government should be able to move into business or into other areas of public life, and to be able to start a new career or resume a former one. It is equally important that when a former Minister takes up a particular appointment or employment, there should be no cause for any suspicion of impropriety.

Appointment details

You are seeking to take up a paid role as a part-time Non-Executive Director at Samson DVM Limited (Samson).

You told the Committee that Samson is a start-up which will focus on digital, virtual and augmented reality solutions to a number of training and maintenance areas, mainly in Defence. You said the development of this start-up has also involved expertise in virtual reality from Deloitte and McLaren, though it remains independent of these companies. You said Samon's parent company is Olive May Group Limited, a London based management consultancy.

You explained that Samson's concept was to use virtual reality and enhanced reality as alternatives to the current expensive physical processes involving from huge, frequently updated, manuals.

You described your role as helping the Board of Samson to identify areas not currently considered, where digital, virtual and augmented reality can substitute for expensive and time-consuming physical procedures; identify areas where the company's products can save money; and navigate round the complex field of defence and compliance issues. You explained that Samson is likely to want to do business with the MOD in the future. You noted that this role may involve contact with government, though not likely with ministers or officials you met whilst in ministerial office.

Samson is a recently formed start-up, (November 2017) and you confirmed you had no official dealings with the company during your time in ministerial office (having left in July 2016). You also said you have no commercially sensitive information, noting you had no procurement responsibilities whilst in ministerial office.

You told the Committee that whilst there is not a current relationship between Samson or its parent company, Olive May - there is a chance that both may do work with the MOD in the future. You confirmed you will have no involvement in any work on behalf of Olive May and will solely be working with Samson and its work on virtual reality.

You noted that whilst you had no involvement in procurement whilst you were in ministerial office, you have extensive involvement outside, and before, your time as a Minister. You noted you have *"over 30 years experience in working with, investigating, writing about and holding to account the MOD and the defence sector and, to some extent, their counterparts in allied countries."* For example, you have written numerous papers on defence reform issues, such as a comparison between the defence procurement systems of seven western countries, sponsored by six major defence suppliers (written before you were elected as an MP).

Stephen Lovegrove, Permanent Secretary at the MOD, was contacted about this application. The MOD stated there was no evidence you had any contact with Samson, Olive May or the companies' Chairman during your time in ministerial office; or that you had access to commercially sensitive information that would give Samson an unfair advantage over competitors. The MOD said *"[your] portfolio was Reserves... [you] would have had some high level dealings with companies (e.g. Capita) as part of [your] role – but this would have been limited."* The MOD confirmed it has no contracts with Olive May.

The Committee's consideration

The Committee noted that Samson is a relatively new business, incorporated on 2 November 2017. The MOD confirmed it has no contracts with Olive May (and therefore Samson, its new offshoot) and that it has no evidence you had any contact with Samson during your time in office. The Committee also took into account that your ministerial portfolio had no direct relationship to this role and the work of Samson. Therefore, there is nothing to suggest the role could reasonably be considered as a reward for your time in office.

The Committee noted that Samson is looking to offer its technology in the defence sector; and therefore it is likely to want to do business with the MOD. Therefore, the Committee has given careful consideration to whether Samson is likely to gain an unfair advantage as a result of your time in office. However, the Department confirmed you have no commercially sensitive information from your time in office. Further, you stated you were not responsible for any procurement decisions whilst a Minister, and the Committee notes that your

ministerial responsibilities did not include anything directly related to Samson's area of business (virtual reality technology). The MOD also noted your portfolio was Reserves and you would only have very limited contact with any contracted companies (such as Capita); and they raise no concerns about this. It has also been approximately 17 months since you left ministerial office. Therefore, the risk that Samson might gain an unfair advantage as a result of information gained whilst in ministerial office, is low.

However, given your previous ministerial role, the Committee considered there is a risk you may offer an unfair advantage as a result of contacts gained whilst in office, and potentially in wider Government. Therefore, the conditions imposed make clear that you should not be involved with providing advice on any bids or contracts relating directly to the work of the UK MOD or its trading funds; and that any use of your contacts across Government/Whitehall on behalf of Samson, would be inappropriate.

Taking into account these factors, in accordance with the Government's Business Appointment Rules, the Committee advises these appointments be subject to the following conditions:

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you as a Minister;
- for two years from your last day in Crown service, you should not provide advice on the terms of a bid or contract relating directly to the work of the UK MOD or its trading funds; and
- for two years from your last day in Crown service, you should not become personally involved in lobbying the UK Government on behalf of Samson Ltd, its partners, parent company or subsidiaries, nor should you make use, directly or indirectly, of your contacts in Government and/or Crown service to influence policy or secure funding or business on behalf of Samson, its partners, parent company or subsidiaries.

By 'privileged information' we mean official information to which a Minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Civil Service Code or otherwise.

The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/Minister *"should not engage in communication with Government (Ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place - with a view to influencing a Government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office."*

I should be grateful if you would inform us as soon as you take up employment with this organisation, or if it is announced that you will do so, either by returning the enclosed form or by emailing the office at the above address. We shall otherwise not be able to deal with any enquiries, since we do not release information about appointments that have not been taken up or announced. This could lead to a false assumption being made about whether you had complied with the Rules and the Ministerial Code.

Please also inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.

Once the appointment has been publicly announced or taken up, we will publish this letter on the Committee's website and include the main details of the application, together with the Advisory Committee's advice, in the regularly updated consolidated list on our website and in the next annual report.

The Baroness Browning

Sir Julian Brazier TD